

EXECUTIVE SESSION

NOMINATION OF SCOTT SNYDER FLEMING TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senate will now proceed to vote on Executive Calendar No. 567 which the clerk will report.

The assistant legislative clerk read the nomination of Scott Snyder Fleming, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. FORD. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—92

Abraham	Enzi	Mack
Alaka	Feingold	McCain
Allard	Feinstein	McConnell
Ashcroft	Ford	Mikulski
Baucus	Frist	Moseley-Braun
Bennett	Glenn	Moynihan
Biden	Gorton	Murray
Bingaman	Graham	Nickles
Bond	Gramm	Reed
Boxer	Grams	Reid
Breaux	Grassley	Robb
Brownback	Hagel	Roberts
Bryan	Harkin	Rockefeller
Bumpers	Hatch	Roth
Burns	Helms	Santorum
Byrd	Hollings	Sarbanes
Campbell	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Jeffords	Smith (NH)
Coats	Johnson	Smith (OR)
Cochran	Kempthorne	Snowe
Collins	Kerrey	Specter
Conrad	Kerry	Stevens
Coverdell	Kyl	Thomas
Craig	Landrieu	Thompson
D'Amato	Lautenberg	Thurmond
Daschle	Leahy	Torricelli
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

NOT VOTING—8

Durbin	Inhofe	Kohl
Faircloth	Inoue	Murkowski
Gregg	Kennedy	

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, Calendar Nos. 554, 558 and 569 are confirmed.

The nominations were considered and confirmed, as follows:

THE JUDICIARY

Garr M. King, of Oregon, to be United States District Judge for the District of Oregon.

Gregory Moneta Sleet, of Delaware, to be United States District Judge for the District of Delaware.

RAILROAD RETIREMENT BOARD

Cherryl T. Thomas, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2002.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the confirmation of the nominations.

NOMINATION OF SCOTT SNYDER FLEMING

Mr. CRAIG. Mr. President, since September of 1997, the General Accounting Office, at my request, has been conducting an investigation into possible anti-lobbying violations—as well as possible violations of the Federal Advisory Committee Act—at the Department of Education.

This investigation is ongoing and I have no reason to believe at this time that the nominee in question, Mr. Fleming, is a key figure in this investigation nor have I been presented with any evidence of wrongdoing on his part that would compel me to oppose his nomination. I would, however, like to take this opportunity to urge Mr. Fleming, in his new capacity as Assistant Secretary of Education for Legislation and Congressional Affairs, to cooperate fully with the GAO investigation in order to resolve this matter expeditiously.

Mr. President, let me explain my involvement with this issue and my concerns as they relate to allegations of an unusually close, and perhaps improper, relationship between the Department of Education and certain lobbyists in this town.

This matter was first brought to my attention by an editorial that appeared in the Washington Post on September 4, 1997.

That editorial, written by nationally syndicated columnist Robert Novak, described how—each week while Congress was in session—senior Department of Education officials and special interest group representatives gathered in Secretary Riley's conference room for what, in my opinion, amounted to 'political action' or 'legislative planning' sessions.

News of these meetings surfaced in a report published by the Alexis de Tocqueville Institution's, Paul Steidler. For seven months, Mr. Steidler attended these meetings and kept detailed minutes of what was discussed. What emerges from the Steidler notes, if substantiated, is extremely troubling.

Without discussing the particulars of this investigation, Mr. President, let me note that I take Mr. Steidler's allegations very seriously. Collusion between special interest lobbyists and the executive branch for the express purpose of defeating or promoting specific legislation, at the grass roots level or here in Congress, is unacceptable.

Mr. President, the GAO investigation into these matters is still underway. And, as I said, it does not appear that Mr. Fleming was a central figure in the formation or conduct of the weekly meetings in question.

My concern is that the Department of Education cooperate fully with this investigation so this body and the American people can be certain that the Department of Education's interests correspond with our children's best interests and not just the needs of those special interests that dominate the landscape here in Washington.

I ask unanimous consent that the Novak editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 4, 1997]

TRIUMPH OF THE BLOB

(By Robert D. Novak)

At 4 p.m. today, some 45 education lobbyists—"back to school" after the August congressional break—will resume weekly sessions with Department of Education officials in the secretary of education's conference room. There is doubt whether these meetings are legal but no question that they have been effective and, until now, a rare Washington secret.

They began in 1995, when what former education secretary William J. Bennett calls The Blob—the special-interest groups that want to maintain the educational status quo—feared the worst from a newly Republican Congress. With more than a hundred bills for abolition of the Department of Education introduced, the Thursday meetings began without the formal notification required by law for "advisory committees". After 2½ years of this collaboration the tide has turned on education, with the Republicans in full retreat.

"It's pretty much an open meeting," Acting Deputy Education Secretary Marshall (Mike) Smith, who usually presides, told me. He added that I would be welcome, which he conceded would make me the first journalist there. In fact, the sessions have been attended almost exclusively by The Blob, providing intelligence for the government bureaucrats who in turn disclose Clinton administration strategy. "We rely on you, partly, as your eyes and ears," Smith told participants July 24.

But an interloper appeared at this year's meetings. Paul Steidler, senior fellow of the conservative Education Reform Project, heard about them and asked to attend. He got permission after interrogation by reluctant education officials. Steidler's subsequent weekly minutes offer a wondrous insight into how Bill Clinton's Washington works.

"There was boisterous conversation, and one could sense the camaraderie in the air,"